



JFW

PATENT

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December 15, 2004

Date

JFW
Jennifer J. Fortuny

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Donald B. Borders
Application No. : 10/810,741
Filed : March 26, 2004
For : EXTRACTIVE PURIFICATION OF LIPOPEPTIDE
ANTIBIOTICS

Art Unit : 1654
Docket No. : 660081.425C1
Date : December 15, 2004

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents:

In accordance with 37 CFR §§ 1.56 and 1.97 through 1.98, applicants wish to make known to the U.S. Patent and Trademark Office the references set forth on the attached Form PTO-1449. This application is a continuation of and relies, under 35 U.S.C. § 120, on the earlier filing date of prior Application No. 09/948,374, filed September 6, 2001, now issued as U.S. Patent No. 6,716,962; which is a continuation-in-part of U.S. Application No. 09/760,328, filed January 12, 2001, now issued as U.S. Patent No. 6,511,962. The references listed on the attached Form PTO-1449 were submitted to and/or cited by the U.S. Patent and Trademark Office in these prior applications and, therefore, are not required to be provided in this application. If the Examiner wishes, copies will be provided upon request. As to any reference supplied, applicants do not admit that it is "prior art" under 35 U.S.C. §§ 102 or 103, and specifically reserve the right to traverse or antedate any such reference by a showing under 37

CFR § 1.131 or other method. Although the aforesaid references are made known to the U.S. Patent and Trademark Office in compliance with applicants' duty to disclose all information they are aware of that is believed relevant to the examination of the above-identified application, applicants believe that their invention is patentable.

Please acknowledge receipt of this Information Disclosure Statement and kindly make the cited references of record in the above-identified application.

Applicants believe this Information Disclosure Statement has been timely filed; however, the Director is authorized to charge any fee due by way of this Information Disclosure Statement to our Deposit Account No. 19-1090.

Respectfully submitted,
Seed Intellectual Property Law Group PLLC



Mae Joanne Rosok
Registration No. 48,903

Enclosures:
Postcard
Form PTO-1449

701 Fifth Avenue, Suite 6300
Seattle, Washington 98104-7092
Phone: (206) 622-4900
Fax: (206) 682-6031

(MJR:jjf) 541157_1.DOC

FORM PTO-1449 (REV. 7-80)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY. DOCKET NO. 660081.425C1		APPLICATION NO. 10/810,741	
INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)				APPLICANTS Donald B. Borders et al.		FILING DATE March 26, 2004	
				GROUP ART UNIT 1654			
U.S. PATENT DOCUMENTS							
*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
AA	3,126,317	03/24/64	Heinemann et al.	424	118		
AB	3,639,582	02/01/72	Umezawa et al.	424	118		
AC	4,331,594	05/25/82	Hamill et al.	260	112.5R		
AD	4,800,157	01/24/89	Eaton et al.	435	71		
AE	5,039,789	08/13/91	Fukuda et al.	530	317		
AF	5,912,226	06/15/99	Baker et al.	514	9		
AG	6,511,962 B1	01/28/03	Borders et al.	514	11		
AH	2002/0028771 A1	03/07/02	Curran et al.	514	9		
AI	2002/0035063 A1	03/21/02	Borders et al.	514	9		
FOREIGN PATENT DOCUMENTS							
	DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION			
				YES	NO		
AJ							
OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)							
AK	Bodanszky, M. et al., "Structure of the Peptide Antibiotic Amphomycin," <i>Journal of the American Chemical Society</i> , April 4, 1973, 95(7):2352-2357.						
AL	Debono, M. et al., "Enzymatic and Chemical Modifications of Lipopeptide Antibiotic A21978C: The Synthesis and Evaluation of Daptomycin (LY146032)," <i>The Journal of Antibiotics</i> , August 1988, XLI(8):1093-1105.						
AM	Martin, J.H. et al., "Isolation and Identification of D- α -Pipelicolic Acid, α [L], β -Methylaspartic Acid and α , β -Diaminobutyric Acid From the Polypeptide Antibiotic Aspartocin," <i>Communications to the Editor</i> , April 20, 1960, pp. 2079.						
AN	Naganawa, H. et al., "A Novel Fatty Acid From Laspartomycin," <i>The Journal of Antibiotics</i> , August 1970, XXIII(8):423-424.						
AO	Naganawa, H. et al., "Laspartomycin, A New Anti-Staphylococcal Peptide," <i>The Journal of Antibiotics</i> , January 1968, XXI(1):55-62.						
AP	Shay, A.J. et al., "Aspartocin. I. Production, Isolation, and Characteristics," <i>Antibiotics Annual</i> , 1959-1960, pp. 194-198.						
EXAMINER				DATE CONSIDERED			
* EXAMINER: Initial if reference considered, whether or not criteria is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant(s).							



TRANSMITTAL FORM (To be used for all correspondence after initial filing)	Application Number	10/810,741
	Filing Date	March 26, 2004
	First Named Inventor	Donald B. Borders
	Art Unit	1654
	Examiner Name	
	Attorney Docket No.	660081.425C1

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input checked="" type="checkbox"/> Form PTO-1449 <input type="checkbox"/> Cited References <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts under 37 C.F.R. 1.52 or 1.53 <input type="checkbox"/> Response to Missing Parts/Incomplete Application	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Request for Corrected Filing Receipt <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Declaration <input type="checkbox"/> Statement under 37 CFR 3.73(b) <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (<i>Appeal Notice, Brief, Reply Brief</i>) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Return Receipt Postcard <input type="checkbox"/> Other Enclosure(s) (<i>please identify below</i>): _____ _____ _____ _____
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Seed Intellectual Property Law Group PLLC		Customer Number 00500
Signature			
Printed Name	Mae Joanne Rosok		
Date	December 15, 2004	Reg. No.	48,903

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.		
Signature		
Typed or printed name	Jennifer J. Fortuny	Date: December 15, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.